

LEWIS  
AND  
ROCA  
— LLP —  
LAWYERS

1 3993 Howard Hughes Parkway, Suite 600  
2 Las Vegas, Nevada 89169  
3 Telephone: (702) 949-8320  
4 Facsimile: (702) 949-8321

40 North Central Avenue  
Phoenix, Arizona 85004

5 Susan M. Freeman, AZ State Bar No. 004199  
E-mail: [sfreeman@lrlaw.com](mailto:sfreeman@lrlaw.com)  
6 Rob Charles, NV State Bar No. 006593  
E-mail: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
John Hinderaker, AZ State Bar No. 018024  
E-mail: [jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
7 Attorneys for the USACM Liquidating Trust

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9  
10 UNITED STATES BANKRUPTCY COURT  
11 DISTRICT OF NEVADA

12 In re:

13 USA COMMERCIAL MORTGAGE  
COMPANY,

14 USA CAPITAL REALTY ADVISORS,  
LLC,

15 USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

16 USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

17 USA SECURITIES, LLC,

18  
19 Debtors.

20 Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

21 CHAPTER 11

22 Jointly Administered Under Case No.  
BK-S-06-10725-LBR

23 **Notice to Kwiatkowski Revocable  
Trust, dated 12/17/04 of the USACM  
Liquidating Trust's Objection to  
Claim(s) and Motion For Summary  
Judgment Regarding Same Claims**

24 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

25 **NOTICE IS HEREBY GIVEN** to Kwiatkowski Revocable Trust, dated 12/17/04  
26 that on July 30, 2007, the USACM Liquidating Trust ("USACM") filed an objection to  
27 Claim No(s). 10725-02480 (the "Objection") and a Motion for Summary Judgment (the  
28 "Motion") on those same claim(s). Along with this notice, USACM is serving

1 Kwiatkowski Revocable Trust, dated 12/17/04 with a copy of both the Objection and the  
 2 Motion.

3                   Kwiatkowski Revocable Trust, dated 12/17/04 filed Proof of Claim No(s). 10725-  
 4 02480, which asserted secured claim(s) against USA Commercial Mortgage Company.  
 5 The Objection and the Motion dispute the assertion of secured claim status and ask the  
 6 Court to reclassify your claim(s) as a general unsecured claim. This is not an objection to  
 7 your claim as a direct lender or to the security interest you as a direct lender have in your  
 8 borrowers' property as collateral. Rather, the Objection and the Motion argue that your  
 9 claim(s) are not secured by property of the bankruptcy estate.

10                   **PLEASE DO NOT CONTACT THE CLERK OF THE COURT OF THE**  
 11 **BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM.**  
 12 **QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A**  
 13 **CLAIM SHOULD BE DIRECTED TO BMC GROUP AT 888-909-0100,**  
 14 **WWW.BMCGROUP.COM/USACMC, OR TO UNDERSIGNED COUNSEL.**

15                   **NOTICE IS FURTHER GIVEN** that any opposition to the Objection/Motion  
 16 must be filed pursuant to Local Rule 9014(d)(1). If you do not want the Court to grant the  
 17 relief sought in the Objection/Motion, or if you want to explain why you believe your  
 18 claim(s) are secured claim(s) or otherwise want the Court to consider your views on the  
 19 Objection/Motion, then you must file an opposition to the Motion with the Court, and  
 20 serve a copy on the USACM Liquidating Trust **NO LATER THAN AUGUST 17, 2007.**  
 21 The opposition must state your position, set forth all relevant facts and legal authority,  
 22 provide relevant documents that support your claim to secured status, and be supported by  
 23 affidavits or declarations that conform to Local Rule 9014(c).

24                   If you object to the relief requested in the Objection/Motion, you *must* file a  
 25 **WRITTEN** response to this pleading with the Court. You *must* also serve your  
 26 written response to the person who sent you this notice.

27                   If you do not file a written response with the Court, or if you do not serve your  
 28 written response on the person who sent you this notice, then:

- 1      • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 2      • The Court may *rule against you* without formally calling the matter at the
- 3              hearing.

4              **NOTICE IS FURTHER GIVEN** that the hearing on the Objection/Motion will be  
5              held before a United States Bankruptcy Judge, Courtroom No. 1, Foley Federal Building,  
6              300 Las Vegas Boulevard South, Las Vegas, Nevada 89101 on **October 15, 2007** at the  
7              hour of **9:30 a.m.** The hearing may be continued from time to time with notice to parties  
8              appearing.

9              Dated July 30, 2007.

10              **LEWIS AND ROCA LLP**

11              By /s/ RC (#6593)  
12              Susan M. Freeman, AZ 4199 (*pro hac vice*)  
13              Rob Charles, NV 6593  
14              John C. Hinderaker, AZ 18024 (*pro hac vice*)  
15              3993 Howard Hughes Parkway, Suite 600  
16              Las Vegas, Nevada 89169  
17              Telephone: (702) 949-8320  
18              Facsimile: (702) 949-8321  
19              E-mail: rcharles@lrlaw.com  
20              *Attorneys for the USACM Liquidating Trust*